

ESTTA Tracking number: **ESTTA681318**

Filing date: **07/01/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057116
Party	Defendant Darryl D. Agler
Correspondence Address	LOUIS T PERRY FAEGRE BAKER DANIELS LLP 300 NORTH MERIDIAN STREET, SUITE 2700 INDIANAPOLIS, IN 44144 UNITED STATES tmindy@faegrebd.com,louis.perry@faegrebd.com,amie.peelecarter@faegrebd.com
Submission	Other Motions/Papers
Filer's Name	Louis T. Perry
Filer's e-mail	louis.perry@faegrebd.com, amie.peelecarter@faegrebd.com
Signature	/Louis T. Perry/
Date	07/01/2015
Attachments	Response to TTAB Request For Update on Civil Action.pdf(8952 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re U.S. Trademark Registration No. 3,986,754
For the Mark: STRATOTONE
Registered on: June 28, 2011

WESTHEIMER CORPORATION)	
)	
Petitioner,)	Cancellation No.: 92057116
)	
v.)	
)	
DARRYL D. AGLER)	
)	
Registrant.)	

REPORT REGARDING CIVIL ACTION

On June 4, 2015, the Board requested a status update regarding the civil action which occasioned the suspension of this proceeding. Registrant Darryl D. Agler ("Mr. Agler") reports as follows:

1. On June 3, 2015, Mr. Agler filed a motion for summary judgment in the civil action to which Westheimer has not yet responded. Westheimer's response is due no later than July 6, 2015. Mr. Agler's reply is due no later than July 23, 2015.
2. The Court has not yet set a trial date in the civil action.
3. Mr. Agler will promptly respond to any further requests for more specific information regarding the civil action should the Board deem such information necessary.

Dated: July 1, 2015

Respectfully submitted,

Faegre Baker Daniels LLP

By: /Louis T. Perry/

Louis T. Perry
Amie Peele Carter
FAEGRE BAKER DANIELS LLP
300 North Meridian Street
Suite 2700
Indianapolis, Indiana 46239
Tel: (317) 237 1089
Fax: (317) 237 1000
Email: louis.perry@faegrebd.com

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was sent via U.S. Mail on July 1, 2015 to:

Ronald S. Bienstock
Brent Davis
Bienstock & Michael P.C.
411 Hackensack Avenue
Continental Plaza
7th Floor
Hackensack, New Jersey 07601

/Louis T. Perry/